

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:17-00932 DOC (ADS) Date: April 29, 2019
Title: Jeremy Harris v. Nancy A. Berryhill, Acting Commissioner of the Social Security Administration

Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

<u>Kristee Hopkins</u>	<u>None Reported</u>
Deputy Clerk	Court Reporter / Recorder

Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s):
None Present None Present

Proceedings: (IN CHAMBERS) : ORDER TO SHOW CAUSE

Plaintiff, appearing pro se, filed this civil lawsuit seeking review of a decision of the Commissioner of the Social Security denying Plaintiff's application for disability insurance benefits alleging disability in accordance with the legal requirements of the Social Security Act. Plaintiff filed his Complaint on May 12, 2017.

On May 19, 2017, Magistrate Judge Sheri Pym issued a Case Management Order in this case. [Docket ("Dkt.") No. 7]. On August 11, 2017, this case was transferred to the calendar of Magistrate Judge Shashi H. Kewalramani. On September 29, 2017, Judge Kewalramani issued an Order to Show Cause to Plaintiff as to why this case should not be dismissed for failure to prosecute and that filing the proofs of service by October 13, 2017, shall be deemed compliant with the Order to Show Cause. [Dkt. No. 9]. On October 12, 2017, Plaintiff filed a Proof of Service on the Social Security Administration. [Dkt. No. 11]. On October 17, 2017, a Summons was issued as to Defendant Nancy A. Berryhill. [Dkt. No. 12]. On January 18, 2018, Judge Kewalramani issued another Order to Show Cause to Plaintiff as to why this case should not be dismissed for failure to prosecute based on Plaintiff's failure to file a proof of service that the Summons issued on October 17, 2017 had been served on Defendant. Plaintiff was ordered to file a proof of service of the Summons on or before February 17, 2017. [Dkt. No. 13]. On March 9, 2018, Judge Kewalramani again issued an Order to Show Cause

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based on Plaintiff's failure to file a proof of service of the Summons on Defendant. Plaintiff was provided two additional weeks, until March 23, 2018, to comply, or warned that the action may be dismissed for failure to prosecute. [Dkt. No. 15]. On April 9, 2018, Judge Kewalramani vacated the March 9 Order to Show Cause, stating that Plaintiff had come into compliance on March 21, 2018 when he filed a Proof of Service. [Dkt. No. 17].

On June 18, 2018, this case was transferred to the calendar of Magistrate Judge Autumn D. Spaeth. [Dkt. No. 19]. On June 28, 2018, Defendant filed an Answer and the Certified Administrative Record. [Dkt. Nos. 20, 21]. Pursuant to the Case Management Order issued on May 19, 2017, Plaintiff was to have served and filed a Memorandum in Support of Plaintiff's Complaint within 35 days of Defendant filing an answer and administrative record. [Dkt. No. 7]. Accordingly, Plaintiff's Memorandum was to have been filed by August 2, 2018. To date, Plaintiff still has not filed a Memorandum with the Court.

Plaintiff is **hereby ordered** to show cause why this case should not be dismissed for failure to prosecute by no later than **May 20, 2019**. To meet this order, Plaintiff must file a statement with the Court explaining why he has failed to file a Memorandum in Support of his Complaint. If Plaintiff intends to move forward with this case, Plaintiff is further ordered to file a Memorandum in Support of his Complaint by no later than **May 20, 2019**. If Plaintiff has decided to no longer pursue this case, he may file a request for dismissal of the action.

Failure to file the timely submissions as directed above will result in a recommendation that this action be dismissed for failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Initials of Clerk kh